

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **November 12, 2002**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) – Holy Cross School / Tabor Retreat Center**

RECOMMENDATION: Approval of the requested CUP.

SUMMARY: Holy Cross School & the Tabor Retreat Center have petitioned for a CUP at 2125 Langhorne Road to allow building and parking additions in an R-4, Multi-Family Residential District. The Planning Division (PD) recommended approval of the CUP because:

- Petition agrees with the Comprehensive Plan, in that church and school uses are permitted in residential districts.
- Petition agrees with the Zoning Ordinance in that school and church uses are permitted in residential districts upon approval of a CUP by the City Council.
- Petition proposes building and parking additions that are considered to be “in-fill” on land currently owned by the petitioner.

Section 35.1-15(f) of the Zoning Ordinance states: “In approving a conditional use permit City Council may impose any conditions which it deems necessary or appropriate.”

PRIOR ACTION(S):

September 25, 2002: Planning Division recommended approval of the CUP.

Planning Commission recommended approval (6-0, with one member absent) of the CUP with the following conditions:

1. The property will be developed in compliance with the site plan dated August 19, 2002 as prepared by Hurt & Proffitt, Inc.
2. All lighting will be non directional and glare shielded as to prevent direct illumination across the property lines.
3. Limits of clearing will be clearly marked on the property and inspected by City staff prior to the start of construction.
4. In the event that two (2) detention facilities are required for stormwater management purposes, at least one of the detention facilities will be of a “bio-retention” design. This design will provide for aesthetics and water quality.
5. Parking spaces closest to “Tate Springs Road” and “Langhorne Road” will be constructed of “grass pavers” or a comparable material as indicated on the site plan dated August 19, 2002.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 847-1508, ext. 253

Tom Martin / 847-1508, ext. 226

ATTACHMENT(S):

- Resolution
- PC Report
- PC minutes
- Site plan
- Narrative

REVIEWED BY: lkp

REVISED

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO HOLY CROSS SCHOOL/TABOR RETREAT CENTER FOR USE OF THE PROPERTY AT 2125 LANGHORNE ROAD TO ALLOW FOR BUILDING AND PARKING ADDITIONS, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG That the petition of Holy Cross School/Tabor Retreat Center for a Conditional Use Permit for use of the property at 2125 Langhorne Road for building and parking additions be, and the same is hereby, approved, subject to the following conditions:

1. The property will be developed in compliance with the site plan dated August 19, 2002 as prepared by Hurt & Proffitt, Inc.
2. All lighting will be non directional and glare shielded as to prevent direct illumination across the property lines.
3. Limits of clearing will be clearly marked on the property and inspected by City staff prior to the start of construction.
4. ~~The detention pond in the vicinity of "Tate Springs Road" and "Langhorne Road" will be a "bio-retention" facility.~~ In the event that two (2) detention facilities are required for stormwater management purposes, at least one of the detention facilities will be of a "bio-retention" design. This design will provide for aesthetics and water quality.
5. Parking spaces closest to "Tate Springs Road" and "Langhorne Road" will be constructed of "grass indicated on the site plan dated August 19, 2002.

Adopted:

Certified:

Clerk of Council

221L

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 434-847-1508

To: Planning Commission
From: Planning Division
Date: September 25, 2002
Re: CONDITIONAL USE PERMIT (CUP): 2125 Langhorne Road

I. PETITIONER

Holy Cross & Tabor Retreat Center, 2125 Langhorne Road, Lynchburg, VA 24501
Representative: Ms. Tracey Norvelle, Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, VA 24501

II. LOCATION

The subject property is a tract of 20.5 acres located at 2125 Langhorne Road.
Property Owner: Walter F. Sullivan, 2125 Langhorne Road, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to approve a master development plan, that would allow building and parking additions to the existing Holy Cross School and Tabor Retreat Center.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan, in that church and school uses are permitted in residential districts.
- Petition agrees with the Zoning Ordinance in that church and school uses are permitted in residential districts upon approval of a CUP by the City Council.
- Petition proposes the expansion of the existing school and church use (Tabor Retreat Center).

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends an Institutional use for the subject property. Institutional uses are described in the *Comprehensive Plan* as “religious, educational and other non profit entities in the City”. Neighborhoods & Housing, Objective 1.C, states that all institutions should be encouraged to prepare master plans showing the location of existing and proposed facilities. Institutions are also encouraged to work with surrounding neighborhoods to ensure that the master plan will have neighborhood support.

The proposed building additions and parking areas are expected to occur within the next ten (10) years. The site improvements are considered to be “in-fill” development, as they will occur on property currently owned by the school. The school conducted a neighborhood meeting on September 18.
2. **Zoning.** The subject property was annexed into the City in 1926. The existing R-4, Multi-Family Residential zoning was established in 1978 with the adoption of the current *Zoning Ordinance*. The submitted petition does not propose to change the existing R-4, Multi-Family Residential zoning.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed building and parking additions.
4. **Surrounding Area.** The following items have required City Council approval in the immediate area.
 - On June 14, 1983, the City Council approved the CUP petition of Holy Cross School at 2125 Langhorne Road for the construction of class room additions.
 - On November 13, 1984, the City Council approved the CUP petition of Holy Cross School at 2125 Langhorne Road for the construction of an amphitheater and two (2) tennis courts.
 - On November 10, 1987, the City Council approved the CUP petition of the Diocese of Richmond for a religious retreat center and parking area.

- On June 14, 1988, the City Council approved the petition of David Marks and Jane Blickenstaff for the rezoning of 2091 – 2099 Langhorne Road from R-4, Multi-Family District to B-1 (Conditional), Limited Business.
 - On February 9, 1993, the City Council approved the CUP petition of Holy Cross School for the installation and use of modular classrooms for up to six (6) children.
 - On November 9, 1993, the City Council approved the CUP petition of Charles Garnett, for the construction of two (2) additional garage bays to an existing automobile service station.
 - On August 8, 1995, the City Council approved the CUP petition of Avante' at Lynchburg for building and parking additions.
 - On December 8, 1998, the City Council approved the petition of Ganot Corporation for the rezoning of 2085 Langhorne Road, from R-4, Multi-Family Residential to B-1 (Conditional), Limited Business.
 - On December 14, 1999, the City Council approved the petition of Avante' at Lynchburg for the rezoning of 2081 Langhorne Road from R-4, Multi-Family Residential to B-1 (Conditional), Limited Business.
 - On May 14, 2002, the City Council approved the petition of William Burruss, for the rezoning of the 2400 block of Atherholt Road from R-4, Multi-Family Residential to B-1 (Conditional), Limited Business.
5. **Site Description.** The subject property is bounded to the north, east and south by a mixture of office, retail and multi-family uses, and to the west by vacant land. The subject property is a tract of 20.56 acres with a stand of mature hardwoods along the western property line.
 6. **Proposed Use of Property.** The purpose of the CUP is to allow the construction of building and parking additions to the Holy Cross School and the Tabor Retreat Center.
 7. **Traffic & Parking.** The City Traffic Engineer had no comments of concern regarding the proposed building and parking additions.

On May 14, 2002 the City Council approved the petition of William Burruss for the rezoning of the 2400 block of Atherholt Road from R-4, Multi-Family Residential to B-1, Limited Business. The rezoning plan for this petition indicated extensions of "Tate Springs Road" and "Atherholt Road". A proffer was offered by the petitioner that provided a seventy (70) foot right of way to the City for the extensions of these roads. The Capital Improvement Plan (CIP) indicates funding is programmed for the extension of "Atherholt Road" from "Lakeside Drive" in 2004. When completed this road will most likely be a carrier of traffic generated by the Holy Cross School, from the Lakeside Drive area. If completed the "Tate Springs Road" extension would be a more direct route for traffic accessing the school from the "Lakeside Drive" area. Since there are no current plans by the City to fund the extension of "Tate Springs Road", its construction will most likely depend on the timing of the development of the "Burruss" property. Determining a date for the completion of this extension would be speculation, however it is reasonable that this extension may occur in the next ten (10) years when all phases of the school construction are proposed to be completed.

8. **Storm Water Management.** A storm water management plan will be required for the construction, because disturbed areas will exceed 1,000 square feet. The school has ample property to construct storm water detention facilities. The submitted plan indicates two (2) detention facilities. The first is located northwest of the athletic fields and the second is located in the area adjacent to the intersection of Langhorne and Tate Springs Road. The Robert E. Lee, Soil & Water Conservation Specialist recommends that this facility be of a "bio-retention" design. This design would improve water quality and the aesthetics of the facility.
9. **Impact.** The original school was constructed in 1960 with several alterations and building additions during subsequent years. The current submittal proposes the construction of building additions and parking areas that are considered to be "in-fill". According to the petitioner the development is proposed to be phased over the next ten (10) years. Upon completion the total enrollment of the school will have increased from 370 to 560. Existing and proposed enrollments are as follows:

Grade	Existing	Proposed	Increase
Elementary	155	246	91

Middle School	97	154	57
High School	118	160	42
Totals	370	560	190

The total number of parking spaces required for the proposed school additions will be 233. The submitted site plan indicates a total of 237 spaces. The site plan indicates adequate landscaping in the parking areas and also indicates that 55 spaces will be constructed of "grass pavers". The proposed landscaping and the use of "grass pavers" for a portion of the parking area should reduce any adverse visual impact from the development.

10. **Tabor Retreat Center.** The Tabor Retreat Center was originally constructed as housing for nuns who were teaching at Holy Cross School. The building was converted to a religious retreat center in 1987 with the approval of a CUP by the City Council. The retreat center is located in a dense growth of mature trees and contains sixteen (16) guestrooms and has twenty-nine (29) parking spaces. The proposed development would add an additional sixteen (16) guestrooms and nine (9) additional parking spaces. The Fire Marshal's Office has voiced concerns that the entrance drive leading to the retreat center be capable of supporting emergency vehicles. The petitioner has agreed to make any necessary improvements to the drive while retaining the present width of eighteen (18) feet. Any widening of this drive would require the removal of several mature trees, which would be detrimental to the character of the retreat center. This is acceptable to the Fire Marshals Office.

The Tabor Retreat Center operates at the request of various users. This could be seven (7) days a week and twenty-four (24) hours a day. Even if the facility were used at capacity, the impact of the development would be minimal to the surrounding area.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on September 3, 2002. Comments related to the proposed additions were minor in nature and have or will be addressed by the developer prior to final site plan approval.
12. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary of appropriate in approving a CUP.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Holy Cross School / Tabor Retreat center for building and parking additions in an R-4, Multi-Family Residential District, subject to the following conditions:

1. The property will be developed in compliance with the site plan dated August 19, 2002 as prepared by Hurt & Proffitt, Inc.
2. All lighting will be non directional and glare shielded as to prevent direct illumination across the property lines.
3. Limits of clearing will be clearly marked on the property and inspected by City staff prior to the start of construction.
4. The detention pond in the vicinity of "Tate Springs Road" and "Langhorne Road" will be a "bio-retention" facility. The design of this pond will provide for aesthetics and water quality.
5. Parking spaces closest to "Tate Springs Road" and "Langhorne Road" will be constructed of "grass indicated on the site plan dated August 19, 2002.

This matter is respectfully offered for your consideration.

William T. Martin
Planner III

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works

Mr. R. Douglas DeJarnette, Fire Marshal
Ms. Judith C. Wiegand, Strategic Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Tracey Norvelle, Petitioner/Representative

VII. ATTACHMENTS

1. Vicinity Zoning Pattern - (see attached map)
2. Vicinity Proposed Land Use - (see attached map)
3. Site Plan - (see attached site plans)
4. Narrative - (see attached Narrative)
5. Photograph of model - (see attached photograph)

Petition of Holy Cross School and Tabor Retreat Center for a Conditional Use Permit at 2125 Langhorne Road to allow the construction of building additions and associated parking in an R-4, Multi-Family Residential District.

Mr. Tom Martin, City Planner, said this petition was in agreement with the newly adopted Comprehensive Plan. He said Institutions were encouraged to prepare Master Plans to ensure that they continued to fit with the surrounding neighborhoods. He said this plan was not labeled as a master plan, but added that the development was planned to occur over the next ten (10) years with the initial emphasis being on the Tabor Retreat Center. He said it was expected that after all of the additions were constructed that the number of students would increase by a total of 190, from 370 students currently to a total enrollment of 560 students. He added that a few months ago City Council approved rezoning of the near by Burruss Tract, which did propose two road extensions. He continued by saying that the proposed extension of Atherholt Road in 2004 would possibly carry some of the traffic as would Tate Springs Road, which had an unknown proposed construction date.

Mr. Martin continued to explain to the Commissioners that the site plan they received did show two stormwater management ponds, but in conversations with the representative of the petitioner, it was not entirely sure that the second pond would be needed or constructed. Therefore, he said, the Planning staff was recommending an amendment to Condition 4 of the motion concerning the second detention pond. He concluded by saying that no variances were required for the proposed development and the Planning Dept recommended approval of the plan as submitted.

Tracey Norvelle, Hurt & Proffitt, Inc., represented the petitioner. Ms. Norvelle said the Tabor Retreat was expanding their facility by doubling the number of rooms from 16 to 32, and would need additional parking to accommodate the expansion. She added that they had been working with Mr. Martin to incorporate the wishes of the City, and had also held a neighborhood meeting. She said at that meeting, the only interest shown was by Centra Health, who basically was more curious than anything else, and voiced no objection to their project.

Commissioner Worthington asked about the fifty (50) percent increase in student enrollment vs. the small percentage of increase in parking spaces for the school. He said most high school students preferred to drive their own cars and he did not want the students parking in the surrounding neighborhood due to the lack of parking spaces on site.

Ms. Norvelle said the entire parking lot was being completely redesigned, and she did not know the current number of parking spaces available. She said the proposed number of parking spaces was based on the future enrollment of 600 students, which calculated into 237 parking spaces. Ms. Norvelle said they were meeting the City Code with the number of parking spaces provided, and added that any students over the 1-10 ratio would park near the auditorium.

Mr. Martin said the parking requirements for high school students was one (1) space per ten (10) students and the only other parking requirement was two (2) spaces for every three (3) employees. He said the majority of this parking requirement was coming from the auditorium, with approximately 550 seats, which equated to one (1) space for every three (3) people.

Commissioner Pulliam asked if there would be changes to the Langhorne Road entrance to the site?

Ms. Norvelle said the entrances to the site would be shifted and the right turn lane would be made smaller.

Commissioner Moore commented that grass pavers should be used in places where there was occasional parking, but according to the site plan, it looked as if that lot would be used on a consistent basis.

Ms. Norvelle said that parking lot would not be used on a daily basis. She explained that the lot would only be used by the school, so there should be a maximum amount of green space most of the time. She said the grass pavers were a suggestion by the City Planning Department, and the petitioner was willing to incorporate

them into their plan. She added that the location of the grass pavers was close to Langhorne Road, where they would be the most visible.

Commissioner Flint asked Mr. Martin if there were any plans for the property adjacent to the school?

Mr. Martin said there were no plans for that site that he knew of.

Ms. Norvelle said the school had been approached to purchase the property, but she understood that the topography was not conducive for any future plans, so the school was not interested in purchasing the land.

Chair Dahlgren asked about the safety plans around the detention ponds and how would they be beautified?

Ms. Norvelle said if the detention pond was at the front of the property along Langhorne Road, it would be very shallow with attractive plantings, but that issue had not been addressed yet.

Commissioner Echols asked if there was only one entrance in and out of the parking lot?

Ms. Norvelle said there was no other place to put a second entrance on the site.

Commissioner Pulliam said he knew other schools with major parking problems, and said this situation seemed to pose a potential problem.

Commissioner Moore said only approximately half of the students would be of driving age and the other half would not be of driving age, so there may not be much of a problem with parking.

After further discussion, Commissioner Pulliam made the following motion, which was seconded by Commissioner Flint and passed by the following vote:

“That the Planning Commission recommends to the City Council approval of the petition of Holy Cross School / Tabor Retreat Center for building and parking additions in an R-4, Multi-Family Residential District, subject to the following conditions.

6. The property will be developed in compliance with the site plan dated August 19, 2002 as prepared by Hurt & Proffitt, Inc.
7. All lighting will be non-directional and glare shielded as to prevent direct illumination across the property lines.
8. Limits of clearing will be clearly marked on the property and inspected by City staff prior to the start of construction.
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10. Parking spaces closest to “Tate Springs Road” and “Langhorne Road” will be constructed of “grass pavers” or a comparable material as indicated on the site plan dated August 19, 2002.”

AYES:	Dahlgren, Echols, Flint, Moore, Pulliam, Worthington	6
NOES:		0
ABSTENTIONS:		0